

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:03-CR-0161
	:	
v.	:	(Judge Conner)
	:	
DERRICK H. BELL	:	

ORDER

AND NOW, this 30th day of June, 2006, upon consideration of defendant's motion to return property (Doc. 101), see FED. R. CRIM P. 41(g) ("A person aggrieved by the unlawful search and seizure of property or by the deprivation of property may move for the property's return."), and the court finding that the United States has demonstrated that it does not, nor did it ever, have possession of the property at issue (see Doc. 104 ¶¶ 6-12 & Exs. A-B),¹ it is hereby ORDERED that the motion to return property (Doc. 101) is DENIED.²

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ The court notes that defendant did not respond to the government's assertion that it did not have custody or control over the property at any time, or present any evidence to the contrary. (See Doc. 104 ¶ 12.)

² See, e.g., United States v. Nicolella, No. Crim.A. 01-83-JJF, 2006 WL 1652682, at *1-2 (D. Del. June 8, 2006) (denying a motion to return property under Rule 41(g) of the Federal Rules of Criminal Procedure because the United States "was not in possession of Defendant's property when Defendant's Motion was filed").